

## Message Text

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ACTION EA-14

INFO OCT-01 ISO-00 PPT-02 SCA-01 SCS-03 VO-03 CU-05 NSC-07

NSCE-00 H-03 L-03 SS-20 RSC-01 DRC-01 /064 W

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R 100030Z JUL 74

FM USLO PEKING

TO SECSTATE WASHDC 2069

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E.O. 11652: N/A

TAGS: CVIS

SUBJECT: ACCESS TO USLO: DANIEL KELLY, YANG SISTERS, BERTHA  
LIU

REF: (A) PEKING 717 (B) STATE 143305 (C) STATE 136741

SUMMARY. ON JULY 5, CONSULAR DEPARTMENT CALLED IN USLO CONSULAR OFFICER TO INFORM HIM THAT DANIEL KELLY WAS A CHINESE CITIZEN AND, REFERRING TO OUR APRIL 23 (SIC) LETTER, TO SAY IT WAS INAPPROPRIATE FOR USLO TO SEE TO MAKE DIRECT CONTACT WITH HIM. USLO OFFICER CITED TWO FACTUAL INACCURACIES IN CONSULAR OFFICIAL'S PRESENTATION. WE ALSO RAISED YANG SISTERS, BERTHA LIU, AND SUZANNA YAP CASES. PRC CONSULAR OFFICIAL SAID HE WOULD LOOK INTO THESE MATTERS. END SUMMARY.

1. ON JULY 3, PRC CONSULAR DEPARTMENT REQUESTED USLO OFFICER MEET WITH PRC OFFICIALS ON JULY 5. AT MEETING, CONSULAR DEPARTMENT SPOKESMAN WAS CHANG JUI ACCOMPANIED BY INTERPRETER AND SCRIBE. HE BEGAN BY SAYING HE HAD ONE MATTER TO DISCUSS AND READ THE FOLLOWING:

2. QTE ACCORDING TO A REPORT FROM THE AUTHORITIES CONCERNED, USLO ON APRIL 23 SENT A LETTER TO A CHINESE CITIZEN, LIN HSIAO-HSU, DANIEL KELLY, ASKING HIM TO GO TO USLO TO GET A US PASSPORT. LIN IS A CHINESE CITIZEN, AS I HAVE SAID. USLO  
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DID NOT GET PERMISSION FROM THE CHINESE AUTHORITIES TO WRITE LIN

A LETTER TO MAKE AN APPOINTMENT WITH HIM TO GET A PASSPORT. IN DOING SO USLO CONTRAVENED THE CHINESE REGULATIONS CONCERNED. TODAY WE INVITE YOU TO TALK OVER THIS MATTER AND TO MAKE SURE THERE WILL BE NO REPETITIONS IN FUTURE. UNQUOTE.

3. USLO OFFICER ANSWERED THAT HE HAD TAKEN NOTE OF WHAT CHANG HAD SAID BUT WISHED TO INFORM THE CHINESE SIDE THE LETTER IN QUESTION HAD BEEN REGISTERED AND MAILED BY HIM PERSONALLY ON THE 10TH OF APRIL (REFTEL A) NOT ON THE 23RD AS STATED. IN ADDITION, ALTHOUGH USLO OFFICER DID NOT HAVE THE LETTER PRESENT, HE RECALLED THAT THE LANGUAGE OF THE LETTER WAS SUCH THAT KELLY WAS INFORMED THAT HE WAS ELIGIBLE FOR US CITIZEN DOCUMENTATION AND IN ORDER TO COMPLETE FORMALITIES IT WOULD BE NECESSARY TO COME TO USLO. USLO DID NOT ASK HIM TO COME TO USLO NOR WAS ANY APPOINTMENT MADE WITH HIM. IT WAS UP TO KELLY TO DECIDE WHETHER TO COME OR NOT.

4. FYI- WE RECHECKED THE LETTER WHICH INFORMED KELLY THAT USLO WAS "AUTHORIZED TO ISSUE YOU A UNITED STATES PASSPORT," AND "IN ORDER TO OBTAIN THE PASSPORT, IT WILL BE NECESSARY TO COMPLETE CERTAIN FORMALITIES AT USLO IN PEKING." WE ALSO NOTE THE DATE OF OUR DISCUSSION RE ACCESS TOOK PLACE ON APRIL 27, SOME TWO WEEKS AFTER WE MAILED THE LETTER. END FYI.

5. CHANG IN HIS REPLY HEDGED ON THE DATE OF THE LETTER AND REPEATED THAT IN ASKING A CHINESE TO COME TO USLO TO PROCEED WITH AMENITIES WITHOUT PERMISSION FROM THE CHINESE SIDE WAS NOT IN CONFORMITY WITH CHINESE REGULATIONS. HE THEN SAID THAT SERIOUS NOTE SHOULD BE TAKEN OF THE MATTER AND SAID HE HOPED THERE WOULD NOT BE A SIMILAR OCCURENCE IN FUTURE.

6. USLO ANSWERED THAT WE WERE UNAWARE AT THE TIME OF THE MAILING OF THE LETTER WHAT PROCEDURES WERE REQUIRED BY THE CHINESE SIDE. WE SAID WE HAD MENTIONED TO THE CONSULAR DEPARTMENT THAT KELLY HAD COME TO USLO TO APPLY FOR DOCUMENTATION AS A US CITIZEN AND ADDED WE WERE ALSO UNAWARE THAT LIN (OR KELLY) WAS A CHINESE CITIZEN.

7. CHANG PRESSED ON KELLY'S VISIT TO USLO, ASKING WHETHER HE HAD ACTUALLY COME TO USLO. HE APPEARED NOT TO RECALL THAT WE LIMITED OFFICIAL USE

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HAD TOLD HIM IN OUR APRIL 27 MEETING THAT KELLY HAD DONE SO.

8. CHANG SAID THAT AS FAR AS HE RECALLED, USLO RAISED THE MATTER OF ACCESS TO USLO BY CHINESE CITIZENS WHO WISHED TO DISCUSS CONSULAR MATTERS. ACCORDING TO CHANG, USLO SUGGESTED THAT THE CHINESE IN QUESTION COULD MAKE A PHONE CALL OR WRITE A LETTER SO THERE WOULD NOT BE A PROBLEM WITH THE GUARD AT THE GATE. CHANG SAID HE CHINESE SIDE HAD SAID, ACCORDING TO CHINESE REGULATIONS,

IN CASES SUCH AS LIN'S (KELLY'S) ACCESS WOULD BE DIFFICULT TO ARRANGE. THE GUARD AT THE GATE WOULD PROHIBIT HIM FROM ENTERING. IN SUCH CASES, USLO SHOULD CONTACT THE AUTHORITIES CONCERNED TO MAKE ARRANGEMENTS. "WE" WILL ARRANGE THE MEETING, HE SAID.

9. USLO OFFICER THEN ASKED ABOUT STATELESS PERSONS IN CHINA WHO HAD CONSULAR MATTERS TO DISCUSS. CHANG ASKED FOR A CONCRETE CASE. USLO CITED THE ANNA CHUNING HSIAO CASE. CHANG APPEARED UNAWARE OF THE HSIAO CASES AND TOOK NOTES ON THE DETAILS.

10. CHANG SAID THERE ARE SOMETIMES COMPLICATIONS WITH STATELESS PERSONS WHO MIGHT TELL AN OFFICER THAT HE IS STATELESS, WHEN IN FACT HE IS NOT. TO MAKE SURE, USLO SHOULD CONTACT THE AUTHORITIES CONCERNED. HE NOTED THAT A CHINESE COULD WRITE SAYING HE WAS A US CITIZEN WHEN ACTUALLY HE WAS A CHINESE CITIZEN. HE REPEATED THAT USLO SHOULD CONTACT THE AUTHORITIES CONCERNED.

(COMMENT: CHANG WAS CLEARLY REFERRING WITHOUT NAME TO THE KELLY CASE AND WAS SAYING IN EFFECT HE KNEW KELLY HAD TOLD US HE WAS NOT A CHINESE CITIZEN. END COMMENT.)

11. USLO SAID WE WERE NOW CLEAR ON CHINESE PROCEDURES AND WE HAD THESE CASES WE WOULD LIKE TO RAISE WITH THE CHINESE SIDE:

A. YANG CHOU-YEH AND YANG CHOU-MEI (STATE 143305) HAD APPLIED FOR ADMISSION TO SELLESLEY COLLEGE AND HAD BEEN ACCEPTED. THEY WERE BOTH BORN IN THE US AND HAD A CLAIM TO US CITIZENSHIP. THEIR FATHER, WANG AN-CHI, HAD WRITTEN USLO FROM PEKING SAYING THE GIRLS HAD APPLIED TO THE CHINESE AUTHORITIES FOR EXIT PERMITS AND PERMISSION TO ATTEND WELLESLEY. CHANG JUI ASKED IF THEY WERE GOING TO THE US ONLY TO STUDY. USLO SAID THAT INsofar AS WE LIMITED OFFICIAL USE

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KNEW, THEY WERE. CHANG THEN ASKED IF THEY HAD RELATIVES IN THE US. WE SAID WE BELIEVED THEY DID. CHANG ASKED IF THEY WOULD TRAVEL ON CHINESE OR US PASSPORTS. USLO SAID THIS HAD NOT BEEN DETERMINED. CHANG FINALLY ASKED WHEN THEY WERE BORN AND HE WAS GIVEN THEIR BIRTH DATES. CHANG SAID HE WOULD CHECK WITH THE DEPARTMENT CONCERNED.  
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ACTION EA-14

INFO OCT-01 ISO-00 PPT-02 SCA-01 SCS-03 VO-03 CU-05 NSC-07

NSCE-00 H-03 L-03 SS-20 RSC-01 DRC-01 /064 W

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B. USLO ASKED ABOUT BERTHA LIU, SAYING HER RELATIVES WERE INQUIRING AS TO HER STATUS. CHANG SAID HE REMEMBERED OUR PREVIOUS INQUIRY AND HE HAD INQUIRED OF THE DEPARTMENT CONCERNED BUT HAD NO NEWS TO REPORT.

C. FINALLY, USLO RAISED THE PASSPORT VALIDATION OF SUZANNA YAP (PPT/FE OM DTD 4/16/74) SAYING THAT HER PASSPORT SHOULD ONLY BE VALID UNTIL JUNE 1976 BECAUSE OF RETENTION PROVISIONS IN US LAW. USLO HAD WRITTEN HER BUT HAD RECEIVED NO RESPONSE. CHANG ASKED A FEW QUESTIONS AND THEN SAID HE WOULD MAKE AN INQUIRY OF THE AUTHORITIES CONCERNED.

12. COMMENT: AT NO POINT WAS THIS MEETING UNPLEASANT ALTHOUGH CHANG HAD A TOUGH STATEMENT TO READ OUT IN THE BEGINNING WHICH HE APPEARED OBLIGED TO PURSUE.

13. IN THE MIDDLE OF THE MEETING WHEN THERE HAD BEEN SOME EDGY EXCHANGES ON MATTERS OF FACT CONCERNING KELLY, CHANG DID SWITCH THE SUBJECT TO PERSONAL CHIT CHAT. HE SEEMED TO REALIZE THAT HIS ORIGINAL STATEMENT HAD INACCURACIES, NOT ONLY AS TO THE DATE BUT AS TO HIS VERSION OF THE CONTENTS OF THE LETTER. HE MUST REALIZE AFTER HE CHECKS HIS FILES THAT OUR LETTER TO KELLY WAS MAILED WELL BEFORE THE APRIL 27 MEETING AT WHICH HE STIPULATED CONTACTS WITH CHINESE CITIZENS SHOULD BE MADE THROUGH HIS OFFICE. HE ALSO OBLIQUELY ACKNOWLEDGED KELLY HAD NOT TOLD US HE WAS A CHINESE CITIZEN.

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14. UNFORTUNATELY, KELLY SEEMS TO BE THE LOSER IN THIS CASE AS CHANG STATED FLATLY KELLY WAS A CHINESE CITIZEN AND TOOK NO NOTE OF HIS CLAIM ON US CITIZENSHIP.

15. CHANG APPEARS TO BE A REASONABLE PERSON BUT ONE WHO DOES NOT HAVE MUCH LEEWAY. HE HAS TO DEAL WITH THE POWERFUL INTERNAL SECURITY ORGANS WHO PROBABLY TELL HIM WHAT IS GOING TO HAPPEN IN A GIVEN CASE.

16. WE ASSUME THAT CHINESE CORRESPOND DIRECTLY WITH INDIVIDUALS IN THE US AND WE DO NOT BELIEVE WE SHOULD ACCEPT THEIR APPARENT POSITION THAT WE SHOULD NOT EVEN RESPOND TO INQUIRIES OR WRITE TO CHINESE OR OTHERS LIVING IN CHINA WHO CORRESPOND WITH US.

17. BECAUSE OF THE ABOVE DEVELOPMENT, WE ARE RE-THINKING OUR COMMENTS ON PROCEDURES PROPOSED ON REFTEL C. WE WILL BE SENDING OUR RECOMMENDATIONS WITHIN TWO OR THREE DAYS. FYI - WE WILL BE DISCUSSING MATTER WITH AUSTRALIANS ON JULY 11. WE UNDERSTAND CHINESE TRIED OR ARE TRYING TO IMPOSE APPARENTLY SIMILAR CORRESPONDENCE RESTRICTIONS. END FYI.

18. IT IS CLEAR THAT PRC OFFICIALS PRE-DETERMINE THE KINDS OF PEOPLE WHO ARE ABLE TO APPROACH USLO (PARA 5 REFTEL C). IN GENERAL, ELDERLY CAUCASIANS DO NOT FACE A PROBLEM OF CONSULAR ACCESS, BUT IT IS NOT ENTIRELY CLEAR WHETHER THE CHINESE PRE-DETERMINE WHETHER OR NOT THEY WILL BE PERMITTED TO ENTER. THE FIRST TIME WE SAY ANNA CHUNING HSIAO SHE WAS BROUGHT TO USLO BY A BRITISH EMBASSY OFFICER. DEPARTMENT WILL RECALL THAT ON ONE OCCASION SHE WAS TURNED AWAY BY PLA GUARD AT GATE AND WE ESCORTED HER INTO THE COMPOUND. AFTER THAT INCIDENT SHE HAD NO FURTHER DIFFICULTIES.

19. SO FAR AS WE KNOW, DR. WINTER DOES NOT REQUEST CHINESE OFFICIALS FOR PERMISSION TO ENTER USLO. HE USUALLY, HOWEVER, INFORMS HIS CADRE FRIEND WHERE HE IS GOING, BUT NOT ALWAYS. THE LAST TIME HE CAME TO SEE US, HE SAID HE HAD NOT INFORMED THE CADRE AND HE HAD TAKEN LIMITED OFFICIAL USE

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THE BUS RATHER THAN A TAXI.

20. WE ASSUME THAT MR. WU YUNG-TAI (PEKING 1485 OF 11/23/73 AND PEKING 818), MR. CHAO KWANG-PING (PEKING 788) AND CERTAINLY MRS. LUNG TSI-CHING (PEKING 1158) HAD PERMISSION TO ENTER THE COMPOUND. CHAO KWANG-PING WAS ESCORTED BY AN OVERSEAS CHINA TRAVEL SERVICE REPRESENTATIVE AND MRS. LUNG WAS IN A CHAUFFEUR-DRIVEN RED FLAG SEDAN.

MRS. LUNG WAS ALSO ACCOMPANIED BY HER TWO AMCIT SONS  
WHO WAITED IN THE RECEPTION AREA WHILE SHE  
WAS INTERVIEWED BY USLO ADMIN/CONSULAR OFFICER.

21. STATE 146899 JUST RECEIVED. WE DO NOT BELIEVE IT  
ADVISABLE TO MAIL REGISTRATION FORMS AND QUESTIONNAIRES  
TO YANG SISTERS AT THIS TIME UNTIL WE HAVE HAD FURTHER  
EXCHANGE WITH THE DEPARTMENT. IF THEY DO VISIT USLO,  
WE WILL KNOW THAT CHINESE AUTHORITIES HAVE GIVEN THEM  
PERMISSION TO DO SO.  
BRUCE

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## Message Attributes

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